IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.10017 of 2001

Between:

Nagula Gangadhar S/o Laxman, R/o Metpally, Karimnagar District.

(Licence of M/s Himalaya Wines, Mallapur)

..... PETITIONER

AND

Prohibition & Excise Superintendent, Karimnagar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, more in the nature of mandamus, declaring the Notification in Rc.No.1498/2001/P &Ex/A11 dt.2-5-2001 of the respondent so far as Mallapur Mandal of Karimnagar District is concerned as being arbitrary, illegal, unconstitutional and violative of Art.14 and 21 of the Constitution of India and in gross violation of principles of natural justice apart from being contrary to Rule 38 of A.P.Excise Act and consequently set aside the same as far as Mallapur Mandal is concerned.

Counsel for the Petitioner: MR.P.LAKSHMA REDDY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following:

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ORDER:

By impugned notification, the first respondent invited applications from intending applicants for grant of licence in Form I.L.24 under A.P. Indian Liquor and Foreign Liquor Rules, 1970. The said notification was issued in exercise of power under Rule 2 of the A.P. Excise (Lease of right to sell Indian Liquor, Foreign Liquor and Beer in Retail under I.L.24 licence) Rules, 1998 The petitioner, who is a holder of I.L.24 licence for the year 2001-2002 assailed the impugned notification in this writ petition.

This Court in **Ramya Wines v. Government of Andhra Pradesh** considered the question as to whether the existing licensee can challenge the notification issued by the licensing authority inviting applications for grant of fresh licence. The question was decided holding that the existing licensee cannot question the notification issued by the competent authority for grant of fresh licence to the new applicants. Further, the petitioner assailed the notification inviting applications for grant of licences for the year 2001-2002. Therefore, the cause of action does not survive in this writ petition.

The writ petition is, accordingly, dismissed as infructuous.

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(**V.V.S.RAO,J**)

June 29, 2005.

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To

1 The Prohibition & Excise Superintendent, Karimnagar.

2 Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

3 Two CD Copies.